
(2022) 07 PAT CK 0088

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 15532 Of 2021?

M/S. Ranjeet Enterprises

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 21-07-2022

Acts Referred:

Citation : (2022) 07 PAT CK 0088

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Rajesh Ranjan, Kinkar Kumar?

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

Pursuant to our previous order, petitioner has given an undertaking by way of filing a supplementary affidavit. Relevant paragraphs whereof are reproduced as under:-

"2. That, in pursuance of the order dated 19.05.2022 passed by this Hon'ble High Court in C.W.J.C. No.15532 of 2021, I am filing this undertaking as follows:-i. That, I, hereby undertake to do trial run of the said unit within three months from today, ensure commercial production upto 50% within six months thereafter and ensure commercial production minimum upto 75% within one year.

ii. That also undertakes that on receipt of dues amount payable by me to the BIADA, I will pay the same to the BIADA as on date.

iii. That I further undertake that in the event of my said unit not being made operational and functional by me within one year, I will hand over and the vacant and peaceful possession to BIADA.

iv. That I further undertakes that in the event of default I shall be liable for being

prosecuted for having committed contempt of this Hon'ble Court."

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

The undertaking is accepted and taken on record. Consequence of breach thereof, including initiation of proceedings for contempt having violated the undertaking furnished before this Court stands explained to the petitioner through the learned counsel.

As such, petition is disposed of in the following terms:-

- (a) Undertaking of the petitioner dated 24.06.2022 (reproduced supra) is accepted and taken on record;
- (b) Petitioner has been made aware of the consequences of breach thereof, including initiation of proceedings for contempt;
- (c) In the event of default of the undertaking, petitioners shall hand over vacant and peaceful possession of the allotted property to BIADA;
- (d) Liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court;
- (e) Order dated 05.02.2021 passed by respondent no.2, namely, The Additional Chief Secretary, Department of Industries, Government of Bihar, Patna in Appeal Case No.01 of 2020 (Annexure 9) and the order dated 11.09.2014 passed by respondent no.4, namely, The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, (Annexure 8) Patna are quashed and set aside;

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.